

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Alden Wayne Harris

Docket No. 5:95-CR-135-6H

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Alden Wayne Harris, who, upon an earlier plea of guilty to 21 U.S.C. §846, Conspiracy to Possess With Intent to Distribute and Distribute Cocaine and Cocaine Base, and 18 U.S.C. §924(c)(1) and 2, Use and Possession of a Firearm During and in Relation to a Drug Trafficking Crime and Aiding and Abetting, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on June 10, 1996, to the custody of the Bureau of Prisons for a term of 132 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.

Alden Wayne Harris was released from custody on March 25, 2005, at which time the term of supervised release commenced. On May 23, 2005, in response to the defendant's admission that he had used marijuana, the court modified his supervision and added the following condition:

4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

On September 23, 2005, the defendant served a two-day DROPS sanction for testing positive for the use of marijuana on September 6, 2005. In addition, on December 7, 2006, the defendant served an additional two-day DROPS sanction for testing positive for marijuana on November 13, 2006. On July 24, 2007, in response to an additional marijuana use, the court ordered the defendant's supervision be modified to include the following condition:

5. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times

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except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

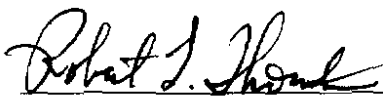
On July 27, 2007, the defendant submitted a drug test which tested positive for the use of marijuana. In response we recommend the defendant's electronic monitoring be extended an additional 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for an additional 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

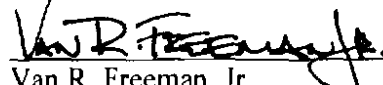
Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,



Robert L. Thornton
Supervising U.S. Probation Officer

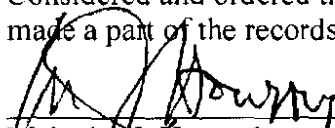
I declare under penalty of perjury that the foregoing is true and correct.



Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: July 23, 2007

ORDER OF COURT

Considered and ordered this 20th day of AUGUST, 2007, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge